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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/675,953	10/02/2003	Soo-Hong Park	Q76844	5900
23373 7590 06/27/2007 SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			EXAMINER KEEFER, MICHAEL E	
			ART UNIT 2154	PAPER NUMBER
			MAIL DATE 06/27/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/675,953

Applicant(s)

PARK, SOO-HONG

Examiner

Michael E. Keefer

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. This Office Action is responsive to the Amendment filed 5/14/2007.

#### ***Claim Rejections - 35 USC § 101***

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 5-6 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Regarding **claim 5**, the "computer readable recording medium," in accordance with Applicant's specification, may be carrier waves (pg. 14, [60], line 6). This subject matter is not limited to that which falls within a statutory category of invention because it is not limited to a process, machine, manufacture, or a composition of matter. Instead, it includes a form of energy. Energy does not fall within a statutory category since it is clearly not a series of steps or acts to constitute a process, not a mechanical device or combination of mechanical devices to constitute a machine, not a tangible physical article or object which is some form of matter to be a product and constitute a manufacture, and not a composition of two or more substances to constitute a composition of matter.

**Claim 6** fails to remedy any of the deficiencies of claim 5 and thus is rejected for the same.

#### ***Double Patenting***

2. A rejection based on double patenting of the "same invention" type finds its support in the language of 35 U.S.C. 101 which states that "whoever invents or discovers any new and useful process ... may obtain a patent therefor ..." (Emphasis

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added). Thus, the term "same invention," in this context, means an invention drawn to identical subject matter. See *Miller v. Eagle Mfg. Co.*, 151 U.S. 186 (1894); *In re Ockert*, 245 F.2d 467, 114 USPQ 330 (CCPA 1957); and *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970).

A statutory type (35 U.S.C. 101) double patenting rejection can be overcome by canceling or amending the conflicting claims so they are no longer coextensive in scope. The filing of a terminal disclaimer cannot overcome a double patenting rejection based upon 35 U.S.C. 101.

3. Claim 2 is provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that of claims 1 and 2 of copending Application No. 10/664028. This is a provisional double patenting rejection since the conflicting claims have not in fact been patented.

Regarding claim 2 of the instant application, which adds a serial number ID area to the method described in claim 1. Because claim 2 includes a serial number area containing a serial number, it is inherent that the device ID area must be a different area than the serial number ID area. In addition, claim 1 specifies that the device ID area excludes a company ID area as well. Therefore, claim 2 includes the same limitation as claim 1 of 10/664028, which recites that the device ID area excludes both a company ID area and a serial number area.

In addition, claim 2 of 10/664028 discloses using unique numbers to identify the devices, the same limitation of claim 2 of the instant application.

Therefore claim 2 of 10/664028 is the same as claim 2 of the instant application.

#### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Hinden et al. (RFC 2373 "IP Version 6 Addressing Architecture"), hereafter Hinden.

Regarding **claim 1**, Hinden discloses:

A method of identifying devices using an IPv6 address, the method comprising:

identifying the devices using device ID information for identifying the types of devices recorded in an unused area, excluding a bit area used as a company ID area of an interface ID area, using an EUI-64 ID format. (see page 19, the first figure on the page discloses using the first 24 bits as a company ID area, as described below the figure "where "c" are the bits of the assigned company\_id; note that the last 40 bits are marked with an "m" which is a manufacturer selected extension identifier that the manufacturer can use to identify a specific device.)

Regarding **claim 2 and as applied to claim 1**, Hinden discloses:

further comprising identifying the devices using unique numbers assigned to the devices recorded in a serial number area, as well as the device ID information. (Page 21 discloses that in a local network the Node Serial Number may be used as part of the interface identifier.)

Regarding **claim 3 and as applied to claim 1**, Hinden discloses:

wherein the bit area comprises a U-bit area and a G-bit area. (Note that in the first figure on page 19 there is a g bit in the first 16 bits of the figure, and that the '0' bit in the figure is the universal or U-bit.)

Regarding **claim 4 and as applied to claim 1**, Hinden discloses:

wherein the company ID area identifies manufacturers of the devices. (the 'c' bits in the first figure of page 19 are "company\_id" bits that are assigned by IEEE to manufacturers of devices.)

Regarding **claim 5**, Hinden discloses:

A computer readable recording medium on which a data structure formed according to an IPv6 address for identifying devices is recorded (it is inherent that these addresses must be recorded on a computer readable medium in a data structure), wherein the data structure includes:

a network ID area for identifying networks to which the devices are connected and an interface ID area for identifying addresses of the devices on the networks, (see page 8, the first figure on the page, the subnet prefix is a network ID area)

where the interface ID area comprises a company ID area for identifying manufacturers of the devices and a serial number area for identifying unique numbers assigned to the devices, and (see page 8, the figure at the bottom of the page discloses a company ID area, the remainder of the 64 bits of the interface ID are reserved for manufacturer specified identification as shown on

page 19 in the first figure. As disclosed on page 21, the node serial number may be used as all or part of the extension identifier.)

where the interface ID area comprises a bit area and a device ID area for identifying types of devices, excluding the bit area. (the bit area is disclosed by the u and g bits in the figure at the bottom of page 8, the device ID area is noted by the first figure on page 19 with 'm', representing the extension identifier.)

Regarding **claim 6 and as applied to claim 5**, Hinden discloses:

wherein the bit area comprises a U-bit area and a G-bit area. (Note that in the first figure on page 19 there is a g bit in the first 16 bits of the figure, and that the '0' bit in the figure is the universal or U-bit.)

### ***Response to Arguments***

6. Applicant's arguments filed 5/14/2007 have been fully considered but they are not persuasive.

#### **Summary of Applicant's Arguments**

- 1) Applicant requests that the objections to the specification be withdrawn.
- 2) Applicant requests that the objections to the claims be withdrawn.
- 3) Applicant requests that the rejection of claims 1-6 under 35 U.S.C. 101 as being non-statutory subject matter be withdrawn.
- 4) Applicant requests that the Double Patenting rejections be withdrawn.
- 5) Applicant requests that the rejection of claims 1-6 under 35 U.S.C. 102(b) be withdrawn because Hinden does not disclose the use of the device ID area to identify types of devices.

Response to Applicant's Arguments

1) The objections to the specification have been withdrawn, therefore Applicant's arguments are moot.

2) The objections to the claims have been withdrawn therefore Applicant's arguments are moot.

3) The rejections of claims 1-4 have been withdrawn in view of Applicant's amendments to the claims, however the rejections of claims 5-6 stand for the reasons of record above.

4) The Examiner withdraws the double patenting rejections except for the Statutory Double Patenting rejection of claim 2 of the instant application over claims 1-2 of 10/664028.

5) In response to applicant's argument that Hinden does not disclose the use of the device ID area to identify types of devices, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

**Conclusion**

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within



TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael E. Keefer whose telephone number is (571) 270-1591. The examiner can normally be reached on Monday-Thursday 7am-4:30pm, second Fridays 7am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached on (571) 272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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MEK 6/20/2007

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